

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5674

IN THE MATTER OF:

Served August 4, 1999

Investigation of Failure to Pay)
Annual Fee and Order to Show)
Cause Why Civil Forfeiture)
Should Not be Assessed and Why)
Operating Authority Should Not)
be Suspended or Revoked,)
Directed to:)

WASHINGTON AREA MINI-BUS TOURS,)
INC., WMATC No. 28)

Case No. MP-99-49

GRIFFIN M. MURPHY, Trading as)
MAXI-BUS TOURS, WMATC No. 93)

Case No. MP-99-50

WATKINS TRANSPORT CORPORATION,)
WMATC No. 334)

Case No. MP-99-51

JOHN P. PRIESTLEY, Trading as)
SPECIAL TRANSPORTATION, WMATC)
No. 423)

Case No. MP-99-52

RESPONSECARE MOBILE HEALTH)
SERVICES, LLC, Trading as)
RESPONSECARE & RESPONSECARE)
MOBILITY SERVICES, WMATC No. 440)

Case No. MP-99-53

Under Title II of the Compact, Article XIII, Section 1(c), the Commission may initiate an investigation to determine whether a person has violated a provision of the Compact or a regulation or order. Section 1(d) of Article XIII provides that if, after hearing, the Commission finds a respondent has violated a provision of the Compact or any requirement established under it, the Commission shall issue an order to compel the respondent to comply with the Compact and effect other just and reasonable relief.

Pursuant to Title I of the Compact, Article IV, Section 4(a), Commission Regulation No. 67, and Order No. 3601, each carrier named herein was required to pay an annual fee of \$100 on or before January 31, 1999. Each of these carriers failed to remit its annual fee by the due date. We find that failure to be knowing and willful in each case.

According to Article XIII, Section 6(f), a person who knowingly and willfully violates a provision of the Compact, or regulation or order issued thereunder, shall be subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for any subsequent violation; each day of the violation constitutes a separate violation. Article XI, Section 10(c), provides that the

Commission, after notice and hearing, may suspend or revoke a certificate of authority for willful failure to comply with a provision of the Compact or an order or regulation of the Commission.

THEREFORE, IT IS ORDERED:

1. That the Commission hereby initiates an investigation into the failure of each carrier named herein to timely pay its annual fee.

2. That each carrier named herein is hereby made a party respondent.

3. That each respondent is assessed a \$100 civil forfeiture for knowing and willful failure to pay the annual fee on or before January 31, 1999.

4. That each respondent shall have thirty days from the date of this order to pay the \$100 annual fee and \$100 civil forfeiture.

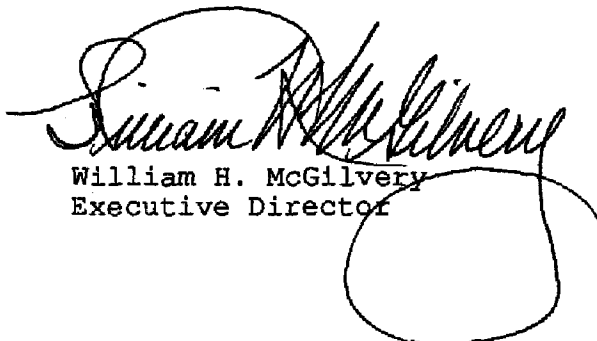
5. That each respondent may file within fifteen days from the date of this order a request for oral hearing, which filing shall automatically stay the thirty-day period for paying the assessed forfeiture or, in the alternative, showing cause why a civil forfeiture should not be assessed. Such request shall not stay the period for paying the annual fee.

6. That any request for oral hearing must specify the grounds for the request, describe the evidence to be adduced and explain why such evidence cannot be adduced without an oral hearing.

7. That the certificate of authority of each respondent shall stand automatically suspended upon the occurrence of either of the following: (a) failure to timely pay the annual fee; (b) absent a timely request for oral hearing, failure to timely pay the assessed forfeiture or show cause why a civil forfeiture should not be assessed.

8. That each respondent whose certificate is suspended under the preceding paragraph shall have thirty days thereafter to show cause why its certificate of authority should not be revoked for failure to comply with the requirements of this order.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND MILLER:


William H. McGilvery
Executive Director

